IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12273 of 2005

Between:

Kuruva Bangaramma W/o. Late Sri Swamy Pravana @ Anandamma
Kurnool District.

..... PETITIONER

A N D

1 The District Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Halharvi Mandal, Kurnool District.
4 Yerragudi Eranna S/o. Pennaiah
Halharvi Mandal, Kurnool District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 3rd Respondent in Rc.No. (B)87/2003 dt. 30-11-2004 as illegal, arbitrary, and contrary to the Board Standing Orders and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R

Questioning the Proceedings RC.No.(B) 87/2003, dated 30-11-2004 passed by the Mandal Revenue Officer, Halaharvi, directing the Mandal Revenue Inspector-I to submit proposals to issue pattedar passbook and title deed for survey no.98-A measuring an extent of Acs:10-28 of Machanur village in the name of Sri Yerragudi Erranna, s/o. Pennaiah of Machanur village of Halaharvi Mandal and cancelling the pattedar passbook and title deed by the Revenue Divisional Officer, Adoni, after conducting denova enquiry in his Proceedings RC.No.(G) 1588/2001, dated 27-3-2004 with regard to survey no.98-A, measuring an extent of Acs:10-20 of Machanur village in Halaharvi Revenue Mandal, this writ petition is filed seeking to direct the third respondent not to issue pattedar passbook and title deeds in favour of the fourth respondent and to declare the proceedings of the third respondent in RC.No.(B) 87/2003, dated 30-11-2004 as illegal, arbitrary and contrary to the Board Standing Orders mainly on the ground that the enquiry was not properly conducted and revenue records were not verified.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for the respondents.

As can be seen from the record, it appears that assailing the orders of the third respondent, the petitioner filed an appeal before the second respondent on the ground that the third respondent did not conduct the enquiry fairly. Moreover, the second respondent in Proceedings Rc.No.1112/2004 dated 21-01-2005 made an

endorsement to the effect that the appeal lies to the Collector. Thereafter, the petitioner filed revision before the first respondent on 01-2-2005 but the first respondent refused to entertain the revision and directed the petitioner to file an appeal before the second respondent. On the directions of the first respondent, the petitioner filed an appeal before the second respondent on 02-4-2005 and the same is pending.

The petitioner without waiting for the orders in the appeal filed by her before the second respondent filed this writ petition seeking to direct the third respondent not to issue pattedar passbook and title deeds in favour of the fourth respondent. When the appeal is pending before the second respondent, the petitioner cannot conduct parallel proceedings by filing the present writ petition. In the circumstances, without going into the merits of the case, I deem it appropriate to direct the second respondent to dispose of the appeal filed by the petitioner on merits and in accordance with law, within eight weeks, from the date of receipt of a copy of this order by issuing notice to both parties. Till final disposal of second appeal by the second respondent, the order dated 14-2-2005 passed by this court in WP.No.2424 of 2005 granting *statusquo* as to the nature and her possession shall be maintained.

With the above direction, the writ petition is disposed of. No costs.

JUNE 14th, 2005. ----------

ISL ELIPE DHARMA RAO, J.

1) The District Collector, Kurnool, Kurnool District.
2) The Revenue Divisional Officer, Adoni, Kurnool District.
3) The Mandal Revenue Officer, Halharvi Mandal, Kurnool District

4) One CC. to the Govt.Pleader for Revenue, High Court Buildings,

Hyderabad.

5) One CC to Mr.U.Ramanjaneyulu, Advocate, Bar Association, High

Court Buildings, Hyderabad.

6) 2 CD copies.